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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

COLON SANTANA, EDUARDO

ART UNIT	PAPER NUMBER
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2837

NOTIFICATION DATE	DELIVERY MODE
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10/07/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/553,054	TYNI, TAPIO	
	Examiner	Art Unit	
	Eduardo Colon-Santana	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/12/2005</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/12/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). **The drawings must show every feature of the invention specified in the claims.**

Therefore, a first determining means; the second determining means; a third determining means; a fourth determining means; a selector; a

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calculating means; a summing means; a first and second deducing means; a first and second identifying means; an estimating means and a time interval determining means **must be shown or the feature(s) canceled from claims 20-27.** No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 10-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter.

The claims are drawn to a computer program per se. A computer program per se is abstract instructions. Therefore, a computer program is not a physical thing (product) nor a process as they are not "acts" being performed. As such, these claims are not directed to one of the statutory categories of invention (See MPEP 2106.01), but are directed to nonstatutory functional descriptive material.

It is noted that computer programs embodied on a computer readable medium or other structure, which would permit the functionality of the program to be realized, would be directed to a product and be within a statutory category of invention, so long as the computer readable medium is not disclosed as non-statutory subject matter per se (signals or carrier waves, etc.).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Sirag et al. EP Patent No. 0739848 A2.

Referring to claim 19, Sirag et al. discloses a method and apparatus for determining an elevator system traffic mode as claimed (see figures 1-2, 6, 11 and respective portions of the specification). Sirag et al. depicts from figure 1, at least one elevator (22, 23), a car load weighing device (42, 43); from figure 2, an elevator light cell (53) for counting the number of passengers entering and leaving the elevator; a control logic (60) for recognizing car calls for identification of a peak elevator, for management of traffic flow and control of the elevator system, in which the system further includes a database (54, 58, 62) for collection of statistical data and wherein the control logic (60) interprets the prevailing traffic type if at least one peak elevator has been detected (54) and the statistical data collected (58) indicates an incoming peak traffic condition (see page 2, lines 43-48; page 3, lines 9-13; page 4, lines 21-45; page 5, lines 25-34).

As to claim 20, Sirag et al. depict from figure 1, at least one elevator (22, 23) and on figure 2, depict a control logic including second determining means (60) to determined real time peak traffic situation based on the number of simultaneous peak elevators which currently is two.

Referring to claims 21-27, Sirag et al. further depicts from figures 2, 6 and 11, a control logic which includes the following: a selector means (78) for selecting two peak elevator (22, 23); a first

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determining means (54) for determining weighing values for the entrance floors; a control means (78) for directing the elevators to the entrance floor during incoming peak traffic; third determining mean (ELP time) for determining the length of time window used in the statistical data; calculating means (60) for calculating the numbers of passengers arriving and leaving the floor; a summing means (56) for adding the statistical data collected that includes the number of passengers weighted with a predetermined update coefficient; a first deducing means (154, 164, 172) for deducing the most probable traffic type prevailing during each time window; a first and second identifying means (152, 162) and a second deducing means (174) for interpreting a potential peak traffic as an actual peak traffic condition; a time interval determining means (ELP time); estimating means (262) for forecasting the number of passengers gathering in an elevator queue; a first identifying means (270) and a fourth determining means (262) (see page 4, lines 21-45; page 5, lines 25-34; page 6, lines 30-59 and page 9, lines 6-59).

With regards to claims 1-9 the methods steps are naturally done by the product structure of claims 19-27 above. Monitoring real time peak hour identification, determining a car load threshold value, defining a threshold of car calls, collecting statistical data, selecting the prevailing traffic type and so forth, are all done based on the product claims 19-27, rejected above.

As to claims 10-18, Sirag et al. clearly describes the operation of an elevator control software which is stored in the ROMs and which

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is executed by a microprocessor (see page 4, lines 1-3). Therefore, the computer program product as claimed is naturally done by the product structure of claims 19-27 above.

Conclusion

7. The prior art made of record in form 892 and 1449 and not specifically relied upon is considered pertinent to applicant's disclosure to further show the state of art.

The prior art made of record show various elevator control apparatus having group traffic control management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Colon-Santana whose telephone number is (571)272-2060. The examiner can normally be reached on Monday thru Friday 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on (571) 272-2800 X.37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval system. For more information see <http://portal.uspto.gov/external/portal/pair>. Should you have questions, contact the Electronic Business Center at 866-217-9197. If you would like assistance, call 800-786-9199 or 571-272-1000.

/E.C.S/
Patent Examiner
Art Unit 2837

/Walter Benson/
Supervisory Patent Examiner, Art Unit 2837

September 30, 2009